

EXHIBIT A

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TINYBUILD LLC, a Washington limited
liability company,

Plaintiff,

v.

NIVAL INTERNATIONAL LIMITED, a
Cypriot corporation,

Defendant.

Case No. 2:19-cv-00805-TSZ

PLAINTIFF'S FIRST
INTERROGATORIES AND REQUESTS
FOR PRODUCTION OF DOCUMENTS
TO DEFENDANT

TO: NIVAL INTERNATIONAL LIMITED, Defendant;

AND TO: Philip P. Mann, Mann Law Group PLLC and Valentin Gurvits, Boston Law
Group, PC, Attorneys for Defendant.

Pursuant to Civil Rules 26, 33 and 34, Plaintiff tinyBuild LLC ("tinyBuild" or "Plaintiff") hereby requests that Defendant respond to the following First Interrogatories and Requests for Production of Documents. Please type in your responses on the original in the space provided following each request, or use additional pages if necessary. Please serve the completed original on the undersigned. Interrogatories are to be answered by Defendant, fully and under oath, within thirty (30) days after service hereof. A blank space has been provided following each interrogatory for the insertion of your answer thereto. Answers which cannot

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GARVEY SCHUBERT BARER, P.C.
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1191 second avenue
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be fully set forth in that space should be set forth in supplemental pages attached to your answers. If any interrogatory cannot be answered in full, answer it to the extent possible, specify the reasons for your inability to answer the remainder, and, as to information in response thereto which becomes known or available to you after service of your original answers, you are requested to submit promptly supplemental answers setting forth such additional information in full. In answering these interrogatories, furnish such information as is available to you regardless of whether this information is obtained directly by you, through your agents or other representatives, or by your attorney.

Plaintiff requests that Defendant, within thirty (30) days of the service hereof, produce for inspection and copying the documents described below at the offices of Garvey Schubert Barer, P.C., 1191 Second Avenue, 18th Floor, Seattle, Washington 98101. Pursuant to CR 34, Plaintiff shall produce the documents for inspection as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the request.

These interrogatories and document production requests are continuing in nature, and you are requested to provide any information or documents which alter or augment the responses now given at a time when you obtain such additional information or the documents. If such information or documents are not so furnished, the undersigned will move at the time of trial to exclude from evidence any information or documents requested and not so furnished.

DEFINITIONS AND SCOPE

As used in these requests:

1. Agreement means the Development and Publishing Agreement entered into as of March 29, 2018, by and between tinyBuild LLC, Nival International Limited, and Steliou Kotiadi.

1 2. Person means every natural person, corporation, firm, partnership, or other
2 business or governmental entity.

3 3. Claims and contentions refer to any claim or contention affecting this case either
4 as part of a party's case in chief or as a defense to any of the issues herein.

5 4. You or Defendant refers to Defendant Nival International Limited, its attorneys,
6 agents, representatives or other persons working on its behalf.

7 5. Complaint refers to the Complaint for Breach of Contract, Breach of Implied
8 Covenant of Good Faith and Fair Dealing, and Declaratory Judgment filed by Plaintiff in the
9 United States District Court for the Western District of Washington at Seattle under Case No.
10 2:19-cv-00805-TSZ, against the Defendant.

11 6. Document or documents means, without limiting its generality, the original (or a
12 legible copy thereof when the original is not available) and each non-identical copy (including
13 those that are not identical by reason of notations or markings) of each document or data
14 compilation of any kind within the scope of CR 34, including all written, printed, typewritten,
15 or whatever descriptions, however produced or reproduced (including computer-stored or
16 generated data, together with instructions and programs necessary to search or retrieve such
17 data), or other documentation of any kind, including but not limited to notes, memoranda,
18 correspondence, emails, text messages, instant messages, reports, or any other documents, that
19 can reasonably be determined to refer, directly or indirectly, in whole or in part, to the matter
20 addressed, to which you have or have had access, and shall include all attachments and
21 enclosures.

22 7. And/or means "and" or "or" and shall not be interpreted to exclude any
23 information otherwise within the scope of any request.

24 8. Referring to, relating to, regarding or with respect to means all matters or things
25 which in any way discuss, pertain to, concern, are connected to, arise from, summarize, bear
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upon, evaluate, or comment on or constitute the subject or object of these requests.

9. Describe or describe in full detail means to set out every detail and aspect of every fact, circumstance, act, omission, or course of conduct known to you relating in any way to the matter inquired about, including, without limitation, the date and place thereof, the identity of each person present thereat, connected therewith, or who has knowledge thereof, the identity of all documents relating thereto, and if anything was said by any person, the identity of each such person and each such oral statement, and if the oral statement in whole or in part was contained, reported, summarized or referred to in any documents, the identity of each such document.

10. Identify a person means to state with respect to each such person:

- a. The full name, address, birth date and present whereabouts of such person;
- b. The business address of such person; and
- c. The person's present job title or description, and the job title or description during the period relevant to your Answer.

11. Identify a document means to state as follows with respect to each:

- a. A description of such as to whether it is a letter, telegram, etc.;
- b. Its name or title;
- c. The date when first issued or which appears thereon;
- d. The company and/or person preparing the same;
- e. The name of any company and/or person to whom transmitted;
- f. The substance of the contents thereof;
- g. From whom obtained; and
- h. The name and address of the person who has custody and control thereof.

INSTRUCTIONS

1. These discovery requests are to be answered separately and fully, in writing and under oath, within thirty (30) days of the date of service on you.

2. If you object to answering any of these discovery requests, or withhold documents from production in response to these requests, in whole or in part, state your objections and/or reasons for not responding and state all factual and legal justifications that you believe support your objection or failure to answer or to produce. If you object to answering only a part of a discovery request, specify the part to which you object and respond to the remainder.

3. If you deem any request to call for privileged information or documents, and assert such privilege so as to avoid divulging such information or producing such documents, provide a list with respect to each item of information or each document so withheld, stating:

- a. Description of allegedly privileged communication or document withheld;
- b. Persons present during or participating in allegedly privileged communication, or author(s) and recipient(s) of document(s) withheld;
- c. Date of allegedly privileged communication or document(s) withheld;
- d. Subject matter of allegedly privileged communication or document withheld;
- e. Type of document withheld (*e.g.*, letter, memorandum or computer database);
- f. Nature of privilege(s) claimed; and
- g. The paragraph(s) of these discovery requests to which the allegedly privileged communication or document(s) relates.

4. If any document or tangible item requested herein was at one time in existence

1 and under Defendant's possession, custody or control, but has been lost, discarded or
 2 destroyed, or has been removed from Defendant's possession, custody or control, with respect
 3 to each document or other tangible item:

- 4 a. Identify and describe each such document or other tangible item by date,
 5 title and type, nature or kind;
- 6 b. State when each such document or other tangible item was most recently
 7 in the possession of Plaintiff or subject to Defendant's control and what
 8 disposition was made of such document or other tangible item, including
 9 an identification of the person, if any, presently in possession or control
 10 of such document(s) or other tangible item;
- 11 c. State when such document(s) or other tangible item was transferred or
 12 destroyed; identify the person who transferred or destroyed such
 13 document(s) or other tangible item and the person(s) who authorized or
 14 directed that the document or other tangible item be transferred or
 15 destroyed; identify all persons having knowledge of such transfer or
 16 destruction; and state the reason such document(s) or other tangible item
 17 was transferred or destroyed; and
- 18 d. Identify all persons having knowledge of the contents thereof.

19 5. Attach to each document produced a notation showing (i) the organizational unit
 20 (*e.g.*, department) from which the document was produced (if applicable); (ii) the name or other
 21 identification of the file, folder, drawer, box or other container from which the document was
 22 removed; and (iii) the name and title of the individual who had custody of the document at the
 23 time of its removal. If you contend that a secretary or other administrative assistant was the
 24 custodian, identify the supervisor or other individual for whom he or she was holding the
 25 document. In lieu of a notation on each document produced, you may serially number each
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1 page of each document and provide an index of all documents produced, containing the
 2 beginning and ending serial numbers of each document and the other information relating to the
 3 document as set forth above.

4 6. If answering a request or question involves providing information or
 5 documentation already produced, you may avoid duplication by referring us to the specific part
 6 of the relevant prior answer.

7 INTERROGATORIES

8 INTERROGATORY NO. 1: Identify all persons with knowledge of the facts alleged in
 9 the Complaint, including but not limited to each individual who performed work on the
 10 “Product,” as defined in the Agreement, and for each such person identify the subject(s) of their
 11 knowledge.

12 ANSWER:
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15 INTERROGATORY NO. 2: Identify all persons who have been granted access to any
 16 source code related to the “Product,” as defined in the Agreement.

17 ANSWER:
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20 INTERROGATORY NO. 3: With respect to every person identified in response to
 21 Interrogatory No. 2, identify the circumstances by which they were given access to Product
 22 source code, and the reason why they were given such access.

23 ANSWER:
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REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1: Produce all documents identified or referenced in response to any of the above interrogatories.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2: Produce all documents related to the drafting and execution of the Agreement, including drafts and communications about the Agreement's terms.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3: Produce all communications between You and Savvas Petras.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4: Produce all financial records and other documents reflecting costs or expenses incurred by Nival in connection with the Product, as defined in the Agreement.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5: Produce all communications between You and any person related to the allegations in this lawsuit.

1 RESPONSE:

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4 REQUEST FOR PRODUCTION NO. 6: Produce all communications with Nival
5 employees or agents, including but not limited to emails and text messages, related to Nival's
6 development of the Product, as defined in the Agreement.

7 RESPONSE:

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10 REQUEST FOR PRODUCTION NO. 7: Produce all communications with third
11 parties, including but not limited to emails and text messages, related to Nival's development of
12 the Product, as defined in the Agreement.

13 RESPONSE:

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16 REQUEST FOR PRODUCTION NO. 8: Produce timesheets and any other data
17 recording time spent by Nival employees or agents developing the Product.

18 RESPONSE:

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21 REQUEST FOR PRODUCTION NO. 9: Produce balance sheets, income statements,
22 profit and loss statements, and any other corporate financial statements from January 2018
23 through the present.

24 RESPONSE:

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2 REQUEST FOR PRODUCTION NO. 10: Produce documents sufficient to identify
3 every company with which Nival has performed video game development services, and each
4 specific project Nival has worked on from January 1, 2018 through the present.

5 RESPONSE:
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8 REQUEST FOR PRODUCTION NO. 11: Produce all documents related to Nival's
9 work on a purported Beta-stage Product, as defined in the Agreement.

10 RESPONSE:
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12

13 DATED this 24 day of August, 2019.

14 GARVEY SCHUBERT BARER

15
16 By 

17 Diana S. Breaux, WSBA #43303
18 Garvey Schubert Barer, P.C.
19 1191 Second Avenue, Suite 1800
20 Seattle, WA 98101
21 (206) 464-3939
22 dbreaux@gsblaw.com
23 *Attorneys for Plaintiff*
24
25
26

CR 26(g) CERTIFICATE OF ATTORNEY

I have read the answers and responses to Plaintiff tinyBuild LLC's First Interrogatories and Requests for Production of Documents to Defendant and, to the best of my knowledge, information and belief formed after a reasonable inquiry, those answers and responses are: 1) consistent with the Civil Rules and warranted by existing law or a good faith argument for the extension, modification or reversal of existing law; 2) not interposed for any improper purpose, such as to harass or cause unnecessary delay or needless increase in the cost of litigation, and 3) not unreasonable or unduly burdensome or expensive, given the needs of the case, the discovery already had in the case, the amount of controversy, and the importance of the issues at stake in the litigation.

DATED this _____ day of _____, 2019.

By: _____

PARTY VERIFICATION

I, _____, have read the foregoing answers and responses to Plaintiff tinyBuild LLC's First Interrogatories and Requests for Production of Documents to Defendant and believe them to be true and correct.

DATED this _____ day of _____, 2019.

By: _____

CERTIFICATE OF SERVICE


I, Kelly M. Mueller, certify under penalty of perjury under the laws of the State of Washington that on August 8, 2019, I caused the foregoing plaintiff's FIRST INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS TO DEFENDANT to be served on the person(s) identified below in the manner shown:

Valentin Gurvits, MA Bar # 643572	<input checked="" type="checkbox"/>	United States Mail, First Class
Boston Law Group, PC	<input checked="" type="checkbox"/>	Via Email
825 Beacon Street, Suite 20	<input type="checkbox"/>	By Legal Messenger
Newton Centre, MA 02459	<input type="checkbox"/>	By KCSC E-Service
Tel: (617) 928-1804		
vgurvits@bostonlawgroup.com		
<i>Attorneys for Nival International Limited</i>		

Matthew Shayefar, CA Bar #289685	<input checked="" type="checkbox"/>	United States Mail, First Class
Boston Law Group, PC	<input checked="" type="checkbox"/>	Via Email
925 N. La Brea Ave.	<input type="checkbox"/>	By Legal Messenger
West Hollywood, CA 90038	<input type="checkbox"/>	By E-Service
Tel: (617) 928-1804		
matt@bostonlawgroup.com		
<i>Attorneys for Nival International Limited</i>		

Philip P. Mann, WSBA No. 28860	<input checked="" type="checkbox"/>	United States Mail, First Class
Mann Law Group PLLC	<input checked="" type="checkbox"/>	Via Email
107 Spring St.	<input type="checkbox"/>	By Legal Messenger
Seattle, WA 98104	<input type="checkbox"/>	By E-Service
Tel: (206) 463-0900		
phil@mannlawgroup.com		
<i>Attorneys for Nival International Limited</i>		

Dated at Seattle, Washington, this 8th day of August, 2019.


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